

**BYLAWS
LOUISVILLE METRO PLANNING COMMISSION**

**ARTICLE I
Name**

The name of this Commission shall be the Louisville Metro Planning Commission.

**ARTICLE II
Purpose**

The purpose of the Planning Commission shall be to direct the economic growth and physical development of Jefferson County and the communities therein, and to guide such development in such a manner as to assure the prosperity, health, safety, morals and general welfare of the county and its communities.

**ARTICLE III
Functions**

The functions and duties of the Planning Commission shall include, but not be limited to, the following:

- A. Manages and conducts the business, activities, and affairs of the Commission as prescribed by KRS – Chapter 100 and subsequent amendments and local ordinances and resolutions.
- B. Develops and maintains the Cornerstone 2020 Comprehensive Plan and recommends to the appropriate legislative bodies implementation of the plan.
- C. Plans and regulates without favor or prejudice to any individual, group, class, race, or creed.
- D. Approves all policies, procedures, and regulations necessary for the management of the affairs of the Commission.
- E. Conducts public hearings as prescribed in the adopted policies. Those Commissioners present for a public hearing shall act as hearing examiners (KRS 100.171).
- F. Keeps minutes and records of all proceedings, including regulations, transactions, findings, and determinations, and the number of votes for and against each question, and if any member is absent or disqualifies from voting, indicating the fact.

- G. Delegates to the standing committees and Director such authority that is deemed advisable.
- H. Provides continuing liaison informational services insuring communication of planning progress to the general public and the appropriate agencies and organizations.

ARTICLE IV Members

Section 1. Composition. The Planning Commission shall be composed of ten members as prescribed in KRS 100.137:

- A. Eight members who are residents of Jefferson County, and appointed by the Mayor of the Louisville-Jefferson County Metro Government, pursuant to the provisions of 67C.139.
- B. The Mayor of Louisville-Jefferson County Metro Government or his or her designee.
- C. The Director of the Metro Public Works Department, or the County Road Engineer, as determined by the Mayor.

Section 2. Term of Office

- A. Public Officials. The term of elected public officials, the Director of the Metro Public Works Department or the County Road Engineer shall be the same as their official tenure in office. (KRS 100.143).
- B. Appointed Citizen Members. The term of office for all appointed citizen members shall be three years, with terms expiring on October 1 of the last year of the term. Members appointed prior to consolidation shall continue to serve as members of the planning commission, and shall serve the remainder of the terms for which the members were appointed and until their successors are appointed and qualified pursuant to KRS 100.137(2). A member is eligible to succeed himself, and shall continue to serve until his successor has been appointed and qualified.

Section 3. Vacancies. Vacancies shall be filled within sixty days by the appropriate appointing authority. If the authority fails to act within that time, the Planning Commission shall fill the vacancy. When a vacancy occurs other than through expiration of the term of office, it shall be filled for the remainder of that term. (KRS 100.147).

Section 4. Compensation. All members shall be reimbursed for any necessary authorized expenses. Citizen members shall receive additional compensation of fifty (\$50.00) dollars for each commission meeting attended, but no such member shall be paid more than two thousand dollars (\$2,000), during any fiscal year of the Metro Government or for more than forty meetings attended during any fiscal year.

Section 5. Orientation and Continuing Education

- A. Each planning commissioner is required by KRS 147A.027 to obtain the following:
 - 1. A minimum of four (4) hours of orientation training within one (1) year prior to appointment or within one hundred twenty (120) days of appointment.
 - 2. A minimum of eight (8) hours of continuing education within each period of two (2) consecutive calendar years, starting at the date of the individual's appointment.
- B. Appropriate subjects for education include, but are not limited to: land use planning; zoning; floodplains; transportation; community facilities; ethics; public utilities; wireless telecommunications facilities; parliamentary procedure; public hearing procedures; administrative law; economic development; housing; public buildings; building construction; land subdivision; and powers and duties of the board of adjustment.
- C. Certification of training is required. A written statement shall be filed with the planning commission secretary by December 31 of each calendar year identifying the date, subject matter, location, sponsor, and time spent in each program.
- D. Failure to complete the education requirement or certification of educational activities shall subject the member to removal according to the provisions of KRS 100.157.

Section 6. Removal of Members. Any member of the Commission may be removed by the appropriate appointing authority for inefficiency, neglect of duty, malfeasance, or conflict of interest. Any appointing authority who exercises the power to remove a member shall submit a written statement to the Commission setting forth the reasons for removal, and the statement shall be read at the next meeting of the Planning Commission, which shall be open to the general public. The member so removed shall have the rights of appeal in the circuit court. (KRS 100.157).

- *Section 7. Disclosure of Campaign Contributions. Any Planning Commission member who contributes an amount in excess of \$100.00 in any one election to any candidate or slate of candidates for statewide-elected office or any elected office within Jefferson County, including any incorporated area therein, shall disclose said contributions by filing in the Planning Commission office an official notice giving his or her name, and the candidates or slates of candidates to whom he or she contributed, and the amount of each contribution. For purposes of this Section 7, the definitions in KRS 121.015 shall be applicable.
- *Section 8. Disclosure of Solicitation of Campaign Contributions. Any Planning Commission member who solicits contributions for an election campaign of a candidate or slate of candidates for statewide-elected state office or any elected office within Jefferson County shall disclose such activities by filing in the Planning Commission office an official notice giving his or her name and all candidates or slates of candidates for whom he or she is soliciting contributions. This disclosure requirement shall apply only when the Planning Commission member solicits in excess of one hundred dollars (\$100) per candidate or slate of candidates in any one (1) election. For purposes of this Section 8, the definitions in KRS 121.015 shall be applicable.

ARTICLE V

Officers

- Section 1. Elected Officers. The elective officers shall be a Chairman and a Vice-Chairman and shall be citizen members.
- Section 2. Nomination and Elections
- A. Nominations. Nominations for officers shall be made from the floor at the annual meeting.
 - B. Election. The officers shall be elected annually by a majority vote of all members present at the annual meeting and shall assume office at the close of the annual meeting.
- Section 3. Term of Office. Officers shall be elected for a term of one year or until their successors are elected and assume office.
- Section 4. Vacancy in Office. A vacancy in the office Chairman shall be filled by the Vice-Chairman. The vacancy thus created in the Office of Vice-Chairman shall be filled at a special meeting or at the next regular meeting following notification that a vacancy exists. Nominations shall be from the floor and the election shall be by majority votes of those members present.

Section 5. Duties of Officers

- A. The Chairman shall:
 - 1. Preside at meetings of the Commission.
 - 2. Provide general supervision of the conduct of the affairs of the Commission.
 - 3. Advise the Director of Planning and Design Services as to member concerns.
 - 4. Appoint all committees and committee chairmen.
 - 5. Perform such other duties as determined by the Commission, the bylaws and policies adopted by the Commission.
- B. The Vice-Chairman shall:
 - 1. In the absence of the Chairman or in the event of the temporary inability of the Chairman to act, perform the duties of the Chairman.
 - 2. Succeed to the Office of Chairman for the unexpired term, in the event of a vacancy in that office.
 - 3. Assume such other duties as may be assigned to the office by the Commission.

ARTICLE VI Meetings

*Section 1. Regular, Annual, and Special Meetings

- A. Regular. Regular meetings of the Planning Commission shall be held on the first and third Thursday of each month at a time and place designated by the Commission, except when ordered otherwise by the Planning Commission or Chairman of the Commission.
- B. Annual. The annual meeting shall be the regular meeting held on the third Thursday in January of the calendar year and shall be for the purpose of electing officers, appointing a secretary or secretaries, receiving annual reports of officers, committees, and the Director of Planning and Design Services, and transacting such other business as may arise.
- C. Special. Special meetings shall be held at the call of the Chairman. All members shall be notified of such special meetings by written or oral notice at least seven days prior to the meeting. The notice shall specify the date, time, place and the business to be considered. In the event of an emergency, special meetings may be held without notice, provided all members of the

Commission sign a written waiver of notice specifying therein, the time, place, and business to be considered. (KRS 100.167)

Section 2. Voting. A majority of all members present where a quorum of the Commission is present shall be necessary to transact any official business, except a majority vote of the total Commission membership is required to adopt or amend the comprehensive plan, regulations, and bylaws.

Section 3. Conflict of Interest

- A. All ten (10) members of the Planning Commission shall be required to disclose any personal or family commercial interest relevant to land use, new development supply, or new development construction. The disclosure shall be a written, signed statement of the general nature of the member's interest. Members shall be eligible to participate in Commission decisions upon completion of the disclosure. The disclosure shall be filed with the Commission's records and shall be available for public inspection during regular business hours. A member shall not vote on an issue in which the member or member's family has an interest. (KRS 100.137)
- B. Any member of the Planning Commission who has any direct or indirect financial interest in the outcome of any questions before the Commission shall disclose the nature of the interest and shall disqualify himself or herself from voting on the question, and he or she shall not be counted for the purposes of a quorum. (See also KRS 100.171(1)).
- C. Any member of the Planning Commission covered by "A" above, shall complete the "Disclosure of Conflict of Interest" form adopted by the Planning Commission, shall sign the form, shall give the signed form to the Chair prior to the Chair calling the case, and shall leave the chambers to ensure that the member is not considered as part of the quorum. The provisions of this section shall be applicable to all members of any committee of the Planning Commission.
- D. The "Disclosure of Conflict of Interest" form shall state: "I, _____, a member of the Louisville Metro Planning Commission, pursuant to KRS 100.171(1) and the Planning Commission's bylaws, hereby disclose that I have a direct or indirect financial interest and/or a conflict of interest in Docket No. _____. The nature of this conflict is _____. I formally disqualify myself from voting. Signed _____.

Section 4. Quorum. Five members of the Planning Commission shall constitute a quorum. The lack of a quorum shall not prevent a scheduled public hearing.

Section 5. Open Meetings and Public Hearings. Planning Commission meetings and public hearings shall be open to the public as required by the Kentucky Statutes.

ARTICLE VII Committees

***Section 1. Standing Committees**

A. There shall be the following standing committees: Land Development and Transportation Committee, Site Inspection Committee, Planning Committee, and Development Review Committee.

1. Land Development and Transportation Committee

- a. Meetings. The Land Development and Transportation Committee shall meet on the second and fourth Thursday of each month, except when determined otherwise by the committee chairman or the Planning Commission.
- b. Duties. It shall be the duty of this committee to:
 - 1. Review plans for zoning changes and subdivisions to resolve technical problems.
 - 2. Schedule dates for applications to be presented in a public hearing.
 - 3. Perform such other duties as prescribed in the adopted policies and as may be determined by the Planning Commission.
- c. Quorum. Three (3) members of the Land Development and Transportation Committee shall constitute a quorum of the committee.

2. Site Inspection Committee

- a. Meetings. The Site Inspection Committee shall meet on call of the committee chairman or any two members of the committee. A site inspection is not considered a meeting and does not require a quorum.
- b. Duties. It shall be the duty of the Site Inspection Committee to:

1. Designate one or more members to visit each site proposed for a change in zoning or parking waiver, and the surrounding area, and to assess the impact of the proposed rezoning or parking waiver on the area.
2. Make written comments on the approved site inspection form concerning accessibility, compatibility and the impact of any significant historical or natural features affecting the site.
3. Perform such other duties as prescribed in the adopted policies and as may be determined by the Planning Commission.

3. Planning Committee

- a. Meetings. The Planning Committee shall meet on call of the Chairman or any two members of the committee.
- b. Duties. It is the duty of this committee to:
 1. Review the development and maintenance of the Comprehensive Plan in compliance with KRS 100.
 2. Review the development and determine the currency of various implementation measures, including:
 - a. Zoning regulations
 - b. Subdivision regulations
 - c. Small area, neighborhood or sector plans
 - d. Capital Improvement Programming
 3. Review agency goals and objectives, both long term and short term.
 4. Review annual and multiyear work programs.
 5. Review any other land use and development policy document, assistance program or other such efforts as may come before the Committee.
 6. Perform such other duties as prescribed in the adopted policies and as may be determined by the Planning Commission.

4. Development Review Committee

- a. Composition. The Development Review Committee is hereby created and shall consist of five (5) members of the Planning Commission.
- b. Meetings. The Development Review Committee shall meet each Wednesday except when determined otherwise by the committee chairman or the Planning Commission.
- c. Duties. It is the duty of this committee to:
 - 1. Review Category 3 development plans, conduct the required public meeting, and take action on the plans in accordance with Chapter 11, Part 6 of the Land Development Code.
 - 2. By unanimous vote where a quorum is present, to give final approval on:
 - A. Any subdivision plat not approved by staff including the granting of waivers under Chapter 7, Part 1.80 of the Land Development Code.
 - B. General District Development Plans, if a public hearing is not required.
 - C. Amendments to binding elements on General District Development Plans, including expiration dates.
 - D. Detailed District Development Plans and additional binding elements.
 - E. General or revised district development plans on cases remanded to the Planning Commission by the legislative body when it overturns the Planning Commission's recommendation of denial.
 - F. Revised preliminary plans, if a new public hearing is not required.
 - G. Community Facilities Review, if no public hearing is required. (KRS 100.324)
 - H. Street name changes if all abutting owners agree.
 - I. Road dedications for maintenance purposes by the Louisville Metro Public Works Department. (KRS 178.400)
 - J. Signs, screening or landscaping plans where required by binding element or other conditions.

- K. Waivers pursuant to Chapter 11, Part 8, and Section 9.1.16 of the Land Development Code.
- L. Development plans for regulated activities within a Development Review Overlay District.
- M. Lighting plans for recreational facilities pursuant to LDC Section 4.1.3.B.6.
- N. Land disturbing activity on unstable soils pursuant to LDC Section 4.7.4.
- O. Design of outdoor amenities and focal points pursuant to LDC Section 5.13.2.
- P. Changing image signs with a rate of change in excess of the restrictions set forth in LDC Section 8.1.6.M.1 and 2, pursuant to LDC Section 8.1.6.M.3.
- Q. Elevator parking systems and vertical parking towers pursuant to LDC Section 9.1.8 and stacked and valet parking pursuant to LDC Section 9.1.9.
- R. Alternative sites to meet tree canopy requirements pursuant to LDC Section 10.1.3.
- S. Transfer of open space pursuant to LDC Section 10.5.5.

3. Perform such other duties as prescribed in the adopted policies and as may be determined by the Planning Commission.

B. Composition and Appointment. The standing committees shall be composed of three or more members appointed by the Chairman of the Planning Commission.

C. Quorum. Unless otherwise specified, a majority of the members of a committee shall constitute a quorum of the committee.

Section 2. Special Committees. Special Committees shall be appointed by the Planning Commission Chairman when deemed necessary by the Planning Commission.

Section 3. Committee Membership. Public officials, interested citizens, or persons with specialized knowledge may be appointed to serve on the Planning Committee or a sub-committee thereof and Special Committees.

Section 4. Ex-Officio Member. The Chairman of the Planning Commission shall serve as an ex-officio member of all committees.

ARTICLE VIII

Director, Planning and Design Services

- Section 1. Employment. The Director of Planning and Design Services shall be selected and employed by the Louisville-Jefferson County Metro Government, which shall determine the terms of his employment.
- Section 2. Duties. Under the general supervision of the Mayor, the Director shall carry out the duties of the position as defined by the Metro Government personnel rules, policies, job descriptions and other related requirements as directed by the appointing authority. The duties of the Director shall include:
- A. Present, at the annual Planning Commission meeting in January, a report of the activities of the Planning Commission of the preceding year and a statement of goals and objectives for the ensuing year.
 - B. Schedule for Commission review those development proposals having been recommended by the Technical Review Committee for Commission action.
 - C. Revise standard forms and certificates contained in Chapter 7, Part 9 of the Land Development Code and create or revise any other forms as necessary.
 - D. Perform such other duties and responsibilities as may from time to time be requested of him by the Chairman of the Planning Commission or the Planning Commission.
 - E. Take action on behalf of the Planning Commission when specifically authorized to do so, and when such authorization is consistent with applicable regulations.

ARTICLE IX

Parliamentary Authority

Robert's Rules of Order Modern Edition shall govern the proceedings of the Planning Commission in all cases to which they are applicable and in which they are not inconsistent with these bylaws, Kentucky Statutes, or local laws.

ARTICLE X Amendments

These Bylaws may be amended by a majority vote of the total membership of the Planning Commission at any regular or special meeting of the Planning Commission provided that copies of the proposed amendment have been included in the notice of such meeting.

***History:**

Adopted January 30, 1986

Article IV Members –

Sections 7 & 8 adopted April 19, 2001

Article VI Meetings –

Section 1B revised January 17, 2002

Revised August 2004

Revised May 18, 2006

- Article VII, Section 1 Standing Committees

**POLICIES
LOUISVILLE METRO PLANNING COMMISSION**

PLANNING COMMISSION POLICIES1.00

1.01 Policies may be:

- 1.01.01 adopted by a majority vote.
- 1.01.02 amended or rescinded by a 2/3 vote without previous notice, or by majority vote after previous notice.
- 1.01.03 suspended temporarily by a majority vote.

ADMINISTRATIVE POLICIES.....2.00

2.01 The Director of Planning and Design Services shall have charge of all official books, papers and records of the Commission and shall be responsible for all official correspondence relative to hearings, meetings, resolutions and decisions of the Commission.

- 2.01.01 The Director of Planning and Design Services may assign certain duties listed in 2.01 to a staff member who shall be assigned the title of “Administrative Recorder.”

2.02 As soon as possible after action by the Planning Commission, the Director of Planning and Design Services shall deliver to the applicable legislative body copies of the record and other correspondence reflecting said action, with subsequent confirmation of the approval of the minutes.

APPLICATION PROCEDURES POLICIES3.00

3.01 Pre-application

- 3.01.01 Proposals for rezoning filed by property owners shall follow the pre-application procedures as described within the Land Development Code and Commission policies. It is essential that applicants for standard major subdivisions contact Planning and Design Services and other review agencies prior to submission of a formal application; however, no formal pre-application process is required.

- 3.01.02 Applications for processes requiring a formal pre-application conference shall not be filed (docketed) with the Commission until such procedure has been completed.

3.02 Applications

- 3.02.01 Every matter on which the Commission is authorized or required to act, shall be presented in writing or on forms provided by the Commission for a specific presentation and shall include all information necessary for clear understanding and intelligent action by the Commission. Such information, when requested by the Commission, shall include but not be limited to maps, surveys, drawings, plans, charts, and descriptive data.

- 3.02.02 All matters to come before the Commission shall be filed in the Commission's office between 8:00 a.m. and 5:00 p.m., except on weekends and holidays

- 3.02.03 No application for a change of zoning shall be accepted within two years of Commission action on an application on the same or substantially the same tract of property, unless the Commission finds and resolves that either:

- (1) substantial land use, economic or social changes affecting the property have occurred in the interim, or
- (2) the new application differs significantly from the original application. For purposes of this Policy, "differs significantly" shall mean (a) a different land use; or (b) any other difference that the Planning Commission finds to constitute a significant change from the original application.

Applications made by governmental agencies shall not be subject to this policy nor shall such governmental applications affect the filing of subsequent non-governmental applications.

- 3.02.04 The staff of the Commission is to accept any application by a legislative body for a proposed map amendment(s) for privately owned property to a less restrictive classification and immediately inform the Planning Commission of its submission. The Commission shall determine whether the proposal appears to serve a predominantly public purpose or whether it appears to serve a private purpose which should not be exempt from the requirements of Chapter 11, Part 4 of the Land Development Code.

LAND DEVELOPMENT AND TRANSPORTATION (LD&T) /4.00
DEVELOPMENT REVIEW COMMITTEE (DRC)

- 4.01 Concerned public agencies and other affected parties may attend LD&T and DRC Committee meetings to advise on or to express concerns of a technical nature related to matters to come before the committee.
- 4.02 Any revised record plat in which lots have been previously sold to persons who have not consented in writing to the revision may be scheduled for public hearing with appropriate notice pursuant to Section 7.1.91 of the Land Development Code.
- 4.03 When a single tract requires a public hearing for more than one purpose, the LD&T Committee shall schedule the public hearings at the same time, if practicable. Joint hearings shall be held on change in zoning and concurrent subdivision plans approval; shall be held on change in zoning and concurrent conditional use or variance requests; and may be held on other actions, as appropriate, such as joint hearing for a change in zoning and sign off on an Urban Renewal plan.
- 4.04 In review of applications and other matters, the LD&T and the DRC Committees may consider, but are not limited to, the following:
 - 4.04.01 Technical review of applicable guidelines of the Comprehensive Plan
 - 4.04.02 The Land Development Code
 - 4.04.03 Comments, both written and oral, from governmental agencies, and public and private utilities
 - 4.04.04 Pertinent maps, surveys, drawings, plans, charts, and descriptive data
 - 4.04.05 Pertinent traffic data for any development that warrants referral to the APCD and/or Metro Public Works Department for recommendation.
 - 4.04.06 Written and oral comments, of applicants or their representatives, or any interested parties.
- 4.05 The Director of Planning and Design Services or his designee is authorized to approve any of the following proposals:

- 4.05.01 Major subdivision record plats found to be in strict compliance with the approved subdivision preliminary plan and Chapter 7 of the Land Development Code.
- 4.05.02 Minor subdivision plats found to be in strict compliance with Chapter 7 of the Land Development Code where no preliminary plan has been approved for all or any part of the same property during the immediately preceding 3 years, and minor plats not dedicating the right-of-way required by Section 6.2.6 of the Land Development Code provided such plat has been reviewed and marked approved by the Director of Planning and Design Services and the Director of Metro Public Works.
- 4.05.03 Waivers, pursuant to Chapter 7 of the Land Development Code, resulting from dedication of right-of-way required by Section 7.1.8, which result in the creation of one or more substandard lots.
- 4.05.04 Screening, and landscaping plans required by binding elements or other conditions.
- 4.05.05 Sign plan for proposed signs, as long as they meet the requirements of the general plan, relevant binding elements and the development code.
- 4.05.06 Reduction and release of bonds after authorization from the appropriate works department and receipt of all required agency letters.
- 4.05.07 Amendment of binding elements or district development plan to allow an increase or decrease in square footage of development by no more than twenty-five percent (25%) of the amount specified on the approved district development plan, but in no case by more than 30,000 square feet, provided that the proposed change conforms with all applicable regulations, and does not alter the basic configuration of the structure and its location on the site as approved by the Planning Commission.
- 4.05.08 First and second extensions of the expiration date for development plans and preliminary plans; and Community Facility Reviews, other than major public projects that may significantly impact the community's future development or the quality of life in surrounding neighborhoods.
- 4.05.09 Revised preliminary plans for standard subdivisions, when no public hearing is required and when recommended for approval by the Technical Review Committee.

- 4.05.10 Stacked parking spaces as specified in 9.1.9 of the Land Development Code.
- 4.05.11 District Development Plans requested in PRO and PEC districts, as specified in 2.6.2 and 2.6.3 of the Land Development Code.
- 4.05.12 Joint use parking, as well as determinations of numbers of spaces reasonably anticipated to be available during hours of operation, pursuant to Section 9.1.6 of the LDC, and Section 10.1 of the Development Code for all of Jefferson County
- 4.05.13 The Director is authorized to delegate to the Building Official approval of Category 2 development plans, as defined in the applicable matrix (Design Standards Thresholds and Applicability Tables found in Chapter 5 of the Land Development Code).
- 4.05.14 No staff member shall be required to approve any delegated items/proposals if he/she has reason to question its accuracy, or its compliance with any subdivision, zoning or other regulations. The property owner may request any plan or minor plat, for which staff approval has been refused, to be placed on the docket of the LD&T Committee.
- 4.06 The filing deadline for docketing of cases for consideration by the Planning Commission or a committee thereof shall be posted in the offices of the Department of Planning and Design Services and shall ensure adequate time for full review, revision and notification of cases prior to a review session or public hearing, in accordance with the Land Development Code.
- 4.07 Committee Action
 - 4.07.01 Any appointed standing committee may take appropriate action on any matter coming before it in accordance with the powers delegated to it by the Planning Commission Bylaws.
- 4.08 Binding Elements, Development Plans, and Preliminary Subdivision Plans
 - 4.09.01 Amendments to Binding Elements
 - a. Amendments to Binding Elements shall be reviewed by the appropriate committee of the Planning Commission in a public meeting and shall be acted on or a public hearing set, as appropriate.
 - b. Notice of the public meeting shall be given ten (10) days in advance and shall be given to adjoining property owners

(first tier) and those individuals who provided testimony (oral or written) in support or opposition concerning a change in zoning. They shall be notified of:

1. Detailed district development plans requesting first approval from LD&T that are adjacent to residential zones/uses.
 2. Revisions to binding elements or detailed district development plans that concern the following:
 - i. Change in use
 - ii. Increased density for residential (apartments) uses
 - iii. Increases of more than 25% in floor area of any use
 - iv. Screening and buffering plans, and
 - v. Changes in hours of operation
- c. No notice shall be required for revised detailed district development plans that were originally approved without notice to adjoining property owners, unless the revised development plan meets the conditions contained under b(2) above.
- d. The applicant or owner shall be responsible for submitting a list of the current names and addresses of adjoining property owners and those who spoke in support or opposition at the hearing.
- e. Amendments to a plan previously reviewed by a committee of the Planning Commission for which additional committee review is requested, must be received no less than two weeks prior to the committee meeting, to allow thorough staff review.

4.09.02 It shall be the policy of the Planning Commission to notify adjacent property owners of requests for reductions of parking space requirements under Section 9.1.16(B) Infill Residential, when such requests total 10 or more spaces. The applicant for waiver of 10 or more spaces should supply the names and addresses of all persons designated by the property valuation administrator as owners of property within 200 feet of the subject property. These persons will be notified of the waiver request, and will be given 14 days to indicate if a public hearing on the request is needed.

4.09.03 The time period for obtaining a building permit or certificate of occupancy for development plans that have been involved in litigation shall be counted from the date on which the Court action is

finally concluded. The applicant shall provide documentation as required by the Planning Commission Legal Counsel to demonstrate the legal challenge to the project and to establish the date from which the mandatory time period should be reckoned. Planning and Design Services staff shall amend the approval stamp to reflect the revised expiration date, upon direction from the Commission's Legal Counsel.

DOCKET PROCEDURES POLICY5.00

5.01 Each case to be brought before the Planning Commission for public hearing shall be assigned a docket number which shall consist of three parts to be separated by dashes. The first part shall consist of a number which specifies the type of request in accordance with the following classifications:

1. Street and Alley Closings and Name Changes
2. Category 2 Review
3. Category 3 Review
4. Cell Towers
5. Transportation Planning
6. Urban Renewal and Public Housing
7. Community Facility Review
8. Capital Improvement Program
9. Zoning
10. Subdivisions
11. Neighborhood Plans
12. Miscellaneous Policies or Resolutions
13. Parkway and Scenic Corridor
14. Special Committee
15. Specific Area Planning
16. Comprehensive Planning

17. Special Reviews
18. Road Dedications by Government
19. Conservation Easement
20. Designation of Historic Preservation Property

Minor subdivision plats are designated by MP followed by a three-digit sequential number, followed by the calendar year in which said matter was filed.

- 5.01.01 The second part of the docket number shall indicate the number of applications of that type which have been filed that calendar year.
- 5.01.02 The third part of the docket number shall reflect the calendar year in which said matter was filed.
- 5.01.03 An optional fourth part of the docket number may occur for the following: C – conditional use permit; V – variance; W – waivers of the Land Development Code; PW – parking waiver; DRO – Development Review Overlay; and WRO – Waterfront Review Overlay.
- 5.02 Each case to be brought before the Planning Commission for public hearing shall be placed upon the docket for the Land Development and Transportation Committee and shall remain upon the docket until placed on the agenda of the Commission or until withdrawn by the applicant or his duly appointed agent.
- 5.03 The agenda of cases to be considered at any Commission meeting shall be posted in the office of the Commission not less than three (3) days before such meeting.

PLAN REVISIONS POLICY6.00

- 6.01 If a development plan, subdivision plan or other required submission(s) requires amendment or revision as the result of discussion or agreement in a public hearing on a request, the Commission shall continue the public hearing to a date certain, giving sufficient time for the applicant to submit and the staff to review the required amendments or revisions.

If the hearing cannot be continued to a date certain then notice of the continued public hearing shall be provided in accordance with statutory requirements.

PUBLIC HEARINGS.....7.00

- 7.01 Public hearings shall be held in the first floor courtroom of the Old Jail Building (514 W. Liberty) unless the Chairman of the Commission designates some other place.
- 7.02 Cases set for public hearing on a given day shall be heard in the order in which they appear on the agenda unless the Chairman directs otherwise.
- 7.03 The Chairman may rule testimony out of order if the testimony is redundant or irrelevant or if it is not presented at the proper time.
- 7.04 The Chairman shall have the authority to determine the admissibility of evidence.
- 7.05 When a matter is set and advertised for a public hearing, the hearing shall be conducted even if no interested party is present at the hearing unless the Chairman directs otherwise.
- 7.06 Within a reasonable time prior to the public hearing, any person planning to attend may request that the Planning Commission invite any governmental employee, who has commented in writing on the proposal, to come to the hearing for the purpose of answering questions relating to said comments.
- 7.07 Each person who speaks at the public hearing shall furnish his name and address to the Commission.
- 7.08 Each matter in the public hearing shall be heard in the following order:
 - 7.08.01 The Chairman of the Commission, or other presiding officer, shall read the notice of the hearing.
 - 7.08.02 A member of the staff shall present a summary of the staff report.
 - 7.08.03 The applicant, or his representative, shall make a statement giving reasons for the request.
 - 7.08.04 Other persons in favor of the application shall be heard.
 - 7.08.05 Those persons opposed to the application shall be heard.
 - 7.08.06 Those persons neither in favor nor opposed shall be heard.
 - 7.08.07 The applicant, or his representative, may be heard in rebuttal. Usually, only one person will be allowed to speak in rebuttal. Others may be allowed by the Commission for good cause.

7.09 The Commission may limit the time each person may speak.

7.09.01 Public Hearings rescheduled at the request of interested parties for a time or location other than the bimonthly public hearings shall be subject to the following time limits, unless waived by the Commission at the outset of the hearing. The applicant or his representative and others in favor of the application shall have 1 hour for their remarks. Persons opposed to the application shall have 1 hour to offer comments on the proposal. Rebuttal by the applicant or his representative shall be allotted 15 minutes.

7.09.02 The regular bimonthly public hearings shall be subject to the following time limits, unless waived as described below. The staff shall have 5 minutes for the staff presentation. The applicant or his representative and other persons in favor of the application shall have a total of no more than 10 minutes for their remarks. Persons opposed to the application shall have a total of no more than 10 minutes to offer comments on the proposal. Rebuttal by the applicant or his representative shall be allotted no more than 5 minutes. Hearing time limits shall be extended in accordance with the following:

- a) Upon the recommendation of the LD&T Committee; or
- b) Upon written request by the applicant to the Director (such request to be submitted no later than seven (7) days after the LD&T meeting at which the public hearing date is set or confirmed); or,
- c) Upon receipt, by the Director, of a petition containing the signatures of 25 property owners living within the affected district (such petition to be submitted no later than seven (7) days after the LD&T meeting at which the public hearing date is set or confirmed).

Hearing time limits may be extended by the Planning Commission Chairperson after consideration of the justification submitted with a written request for extended time (such request to be received no less than one week prior to the public hearing).

With the exception of time limits extended under paragraph (c) above, the time limit for those in favor and those opposed shall not be extended for more than an additional 15 minutes of testimony each (for a maximum total of 25 minutes each). If time limits are extended by citizen petition as outlined in paragraph (c) above, the limits shall be the same as those established in 7.09.01 (one hour each for support and opposition, 15 minute applicant rebuttal).

7.10 At any time during the hearing, members of the commission may ask any person in attendance questions relating to the case. In addition, during a person's time to speak, he may ask relevant questions of prior adverse speakers concerning

any information presented, subject to the reasonable control of the Commission. If new information is presented for the first time during rebuttal, the Commission may allow prior adverse speakers to comment or ask questions, provided that such comments or questions shall be limited in scope to the new information presented during rebuttal testimony.

- 7.11 All evidence should be presented at the public hearing. No evidence may be received into the record after the conclusion of the public hearing.
- 7.12 Any exhibit which cannot be folded so as to fit easily into an 8 ½" x 14" folder shall be submitted in a publicly accessible format determined to be acceptable by staff of Planning and Design Services.
- 7.13 Following the public hearing, the Commission may take any of the following actions:
 - 7.13.01 Approve or recommend approval of the application as submitted or modified
 - 7.13.02 Deny or recommend denial of the application as submitted or modified
 - 7.13.03 Close the hearing and defer action on the case to a regular business session of the Commission
 - 7.13.04 Continue the hearing to a later date for additional testimony related to the case. If a petition was properly submitted in accordance with KRS Chapter 100 or Metro ordinance requiring the Commission to hold the original hearing in the evening, any continued hearings shall likewise be held in the evening in accordance with the provisions of KRS Chapter 100 or Metro ordinance, whichever is applicable. If the hearing is continued, the Commission may refer the case to any of its committees for further review and scheduling of the continued hearing.

ORDER OF BUSINESS8.00

The order of business is a sequence in which business normally occurs at a session. Unless deviation from the normal sequence is requested by a Commissioner or the Director of Planning and Design Services and approved by the Chairman, the order of business shall be as follows:

1. Approval of Planning Commission minutes
2. Consent Agenda

3. Non-Hearing Cases, Postponed public hearing cases, Subdivision cases, Other cases
4. New Business, Public hearing on each application followed immediately by action (approval, denial, continuance or deferral) on that application
5. Standing Committee Report
6. Chairperson/Director's Report
7. Adjournment

PUBLIC RECORDS POLICY9.00

- 9.01 The Planning Commission shall conform to KRS 61.870 to 61.884 regarding open records.
- 9.02 Planning Commission public records are located in the offices of Planning and Design Services, 444 South 5th Street, Suite 300. Regular office hours are from 8:00 a.m. to 5:00 p.m., Monday through Friday. The official custodian of the public records is named by the Planning Director or his designee.

CODE OF ETHICS.....10.00

- 10.01 Members of the Commission and staff will not accept or solicit money, favors, or gifts which reasonably could influence their official actions.
- 10.02 Members of the Commission and staff will not use confidential information to obtain money or favors for themselves or others.
- 10.03 Members of the Commission and staff will not misuse their official position for personal gain or for the gain of others.

RECONSIDERATION POLICY11.00

- 11.01 Any reconsideration of a recommendation on a rezoning application shall be granted only upon a request by the appropriate legislative body.

BINDING ELEMENT ENFORCEMENT POLICIES12.00

For purposes of the Binding Element Enforcement Act, KRS 100.401 et seq., and Chapter 153 of the Louisville Metro Code of Ordinances, the following shall apply:

- 12.01 Violations of binding elements shall be generally categorized as follows:

- 12.01.01 The violation of a binding element shall be considered a Level 1 violation if it can be corrected easily and quickly, and does not cause a nuisance to the public and neighboring property owners;
 - 12.01.02 The violation of a binding element shall be considered a Level 2 violation if it is the second violation of the same binding element, if it causes a minor nuisance to the public and neighboring property owners, or if it is difficult or time consuming to correct;
 - 12.01.03 The violation of a binding element shall be considered a Level 3 violation if the same binding element has been violated three or more times, if the violation causes a major nuisance to the public and neighboring property owners, or if the violation cannot be corrected.
- 12.02 The fines for uncontested violations of binding elements shall be based on the level of the violation in accordance with the following:
- 12.02.01 Level 1 - \$1000
 - 12.02.02 Level 2 - \$2000
 - 12.02.03 Level 3 - \$4000
- Each day shall constitute a separate violation for which a separate fine may be assessed.
- 12.03 Fines shall be paid by certified check make payable to the Louisville-Jefferson County Metro Government and delivered by hand or certified mail to the Administrative Official.
- 12.04 The Planning Manager of the Compliance Services section shall function as the Administrative Official for purposes of KRS 100.401 et seq., Chapter 153 of the Louisville Metro Code of Ordinances, and the Binding Element Enforcement Policies of the Planning Commission.
- 12.05 Enforcement officers may issue a citation without a prior warning notice when a violation of a binding element causes a threat to public safety. A “threat to public safety” shall be deemed to exist when the land use enforcement officer reasonably believes that the activity or condition constituting the violation has a substantial likelihood of causing physical injury or danger to the public.
- 12.06 Hearings to contest a citation shall be requested in writing, either by utilizing the hearing request portion of the citation or by letter. Hearing requests by letter shall include the date of issuance of the citation, docket number, specific violation, name and address of the alleged violator, and reasons for dispute of the citation. Hearing requests shall be mailed or hand delivered to the Administrative Official.

- 12.07 The Planning Commission may subpoena alleged violators, witnesses, and evidence to its hearings. Subpoenas shall be signed by the Chairman of the Planning Commission and shall be served by a Land Use Enforcement Officer.
- 12.08 All testimony presented at binding element enforcement hearings shall be under oath, which oath shall be administered at the public hearing by the court reporter, Chairman, or, anyone authorized to administer said oath.
- 12.09 Hearings on binding element violations shall be conducted as follows:
- 12.09.01 The Chairman of the Planning Commission or other presiding officer shall announce the case by stating the docket number, the name of the alleged offender, and the alleged binding element violation.
 - 12.09.02 Legal counsel to the Planning Commission shall present the case against the alleged violator, which may include but not be limited to calling witnesses, taking relevant testimony of the land use officer, and witnesses to the alleged violation, and may present any physical, demonstrative, or other evidence. Each witness who is called to testify by legal counsel to the Planning Commission may be cross-examined by the alleged violator or his or her attorney.
 - 12.09.03 The alleged violator or his or her attorney may present the case of the alleged violator, which may include but not be limited to calling witnesses, taking relevant testimony of the land use officer, and witnesses to the alleged violation, and may present any physical, demonstrative, or other evidence. Each witness who is called to testify by the alleged violator, or his or her attorney, may be cross-examined by legal counsel to the Commission. The alleged violator may, but shall not be required, to testify.
 - 12.09.04 The Planning Commission shall then determine, based on the evidence presented, whether a violation was committed. When the Planning Commission determines that no violation was committed, an order dismissing the citation shall be entered. When the Planning Commission determines that a violation has been committed, it shall issue an order upholding the citation and may order the offender to pay a civil fine in an amount up to the maximum authorized by Chapter 153 of the Louisville Metro Code of Ordinances, without regard to the criteria in Policy 13.02 above, or may order the offender to remedy a continuing violation within a specified time to avoid the imposition of a fine, or both, as authorized by Chapter 153 of the Louisville Metro Code of Ordinances.

POLICIES
LOUISVILLE METRO PLANNING COMMISSION

***History:**

Adopted January 30, 1986

2.00 Administrative Policies

Adopted November 6, 1986

3.00 Application Procedures

Adopted March 5, 1987

Revised March 20, 2003

4.00 Land Development &
Transportation/
Development Review Committee

Adopted March 5, 1987

Revised April 5, 1990

Revised June 15, 2000

Revised January 17, 2002

Revised March 20, 2003

Revised April 3, 2003

Revised May 18, 2006

5.00 Docket Procedures Policy

Adopted March 5, 1987

Revised March 20, 2003

Revised May 18, 2006

6.00 Plan Revisions Policy

Adopted April 5, 1990

Revised June 15, 2000

7.00 Public Hearings

Adopted November 1997

Revised January 29, 1998

Revised April 19, 2001

Revised March 20, 2003

Revised May 18, 2006

8.00 Order of Business

Adopted July 6, 1995

Revised May 18, 2006

9.00 Public Records Policy

Adopted November 6, 1986

Revised March 20, 2003

Revised May 18, 2006

12.00 Binding Element Enforcement
Policies

Adopted October 13, 1998

Revised August 21, 2003